



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

January 19, 2010

ORCHARD RANCH LLC  
C/O NORM SEMANKO  
6223 N DISCOVERY WY STE 200  
BOISE ID 83713

Re: Application 63-32703

Dear Norm:

The above referenced application was amended for a "reasonably anticipated future needs" (RAFN) municipal use. The applicant provided additional information for RAFN issues and Water Appropriation Rules 40.05.c-g to support the application. Legal notices for the application have not been published yet. Before taking that step, I wanted to confirm if the application should be amended as described below.

- 1) The application proposes 9.60 cfs. Additional information states the maximum demand would be 9.98 cfs. This implies the application rate should be 9.98 cfs (no additional fee required).
- 2) Additional information describes ponds from non-potable sources for common areas. The application should include "diversion to storage" and "municipal storage" if total pond capacity will exceed a volume greater than the amount provided in a 24-hour period for the application rate of flow. "Municipal from Storage" should be included if stored water will be diverted from the ponds for a beneficial use. Finally, pond refill volume, if applicable, might need to be included in the application.

To determine if the application should be amended for storage, please respond to items 2a-f as follows:

- a) Some of the proposed wells will be used to fill the ponds?
- b) Maximum number of ponds to be developed?
- c) Maximum surface area (acres) to be covered by ponds?
- d) Average depth (feet) of ponds?
- e) Divert from ponds for a beneficial use?
- f) Ponds refilled during each year or simply filled to capacity no more than once a year?

Because the storage situation is rich in jargon, I included an example worksheet in this regard.

Legal notices will be published once the above issues are resolved. As the legal notice process runs its course, a few deficiencies in the previously provided additional information can be addressed.

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3) Rule 40.05.d.i requires information about annual consumptive volume. The annual diversion volume was identified, but consumptive use was not addressed.

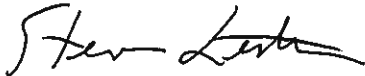
4) Rule 40.05.f requires financial evidence regarding the ability to appropriate water and apply it to a beneficial use. The additional information previously submitted included considerable financial discussion without responding to this factor. At a minimum, please provide estimated costs to develop and implement a water delivery and distribution system described in the additional information as "wells ... storage tanks, booster pump station, and a distribution network." Provide credible information that the applicant has funding, or a reasonable expectation of funding, to develop the proposed water system and beneficially use the water.

5) RAFN applications should include population data. The data should help justify the proposed planning horizon. The additional information previously submitted did not include population data other than to conclude about 20,000 people will live there someday. What is the population data basis for this conclusion?

Your reply to items 1 and 2 will be helpful for publishing legal notices for this application. Your reply to items 3, 4 and 5 are not immediately necessary but will be needed before the department can issue a decision for the application.

Please respond within the next sixty (60) days for the application to remain in good standing. This can include a request for more time to provide the information for at least items 1 and 2. Please let me know if you have any questions or concerns. Thank you for your attention to these matters.

Sincerely,



Steve Lester  
Water Rights Supervisor

Enclosure

## APPLICATION 63-32703 STORAGE EXAMPLE WORKSHEET

cfs x 2 = af per day.

9.98 cfs x 2 = 19.96 = 20 af per day (volume listed to 1 decimal place in water rights database).

### Storage N/A Per Above Assumptions

If total pond capacity does not exceed 20 af, storage n/a as a use (considered a detail of diversion rate), use from storage also n/a.

### Storage Applicable, Pond Capacity

If total pond capacity does exceed 20 af, storage is a use to be included:

- x.xx cfs diversion to storage (from wells to ponds)
- x.x af municipal storage
- x.x af municipal from storage - if water diverted from ponds for use, otherwise n/a.

### Storage Applicable, Pond Refills

x.x af of storage water refilled each year to make up depletions: depletions from active use from storage &/or depletions from evaporative loss.

refill volume should be included in application items 4 & 5 as part of the proposed appropriation (so storage appropriation can exceed storage capacity).

### Application Fee

Fee based on whichever is greater: total cfs in appl or total storage af (capacity + refill) in appl.

Already paid \$610 for 9.01-10.00 cfs category, includes storage category 901-1000 af.

Additional fee n/a unless total storage appropriation (capacity + refills) exceeds 1000 af.

If does exceed 1000 af, pay additional fee increment.

### Example Data

9.98 cfs.

Excavated pond sites, no dams.

Ponds cover 20 acres at 10 ft. average depth = 200 af capacity.

Divert from ponds & refill 2 times/year = 400 af refills.

Total storage appropriation = 600 af.

See next page for application amounts in this example.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

*Example*

Phone \_\_\_\_\_

1. Name of applicant(s) \_\_\_\_\_  
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_ Email: \_\_\_\_\_

2. Source of water supply \_\_\_\_\_ which is a tributary of \_\_\_\_\_

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #

4. Water will be used for the following purposes:

Amount 9.98 cfs for Municipal purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

*could be less capacity + refill* → Amount 9.98 cfs for Diversion to Storage purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

→ Amount 600 af for Municipal Storage purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

*Refill* → Amount 400 af for Municipal from Storage purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 9.98 cubic feet per second (cfs) and/or (b) 600 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. \_\_\_\_\_

*excavated ponds 2*

b. Height of storage dam N/A feet; active reservoir capacity 200 acre-feet; total reservoir capacity 200 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12.

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_

e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_

Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is \_\_\_\_\_ years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. \_\_\_\_\_

d. Domestic; show number of households. \_\_\_\_\_

e. Other; describe fully. \_\_\_\_\_